

PART 5316 - Types of Contracts

[5316.102 Policies](#)

[5316.103 Negotiating Contract Type](#)

[5316.104 Factors in Selecting Contract Types](#)

[SUBPART 5316.203 — FIXED-PRICE CONTRACTS WITH ECONOMIC PRICE ADJUSTMENT](#)

[5316.203-4 Contract Clauses](#)

[SUBPART 5316.206 — FIXED-CEILING-PRICE CONTRACTS WITH RETROACTIVE PRICE
REDETERMINATION](#)

[5316.206-3 Limitations](#)

[SUBPART 5316.3 — COST-REIMBURSEMENT CONTRACTS](#)

[5316.301-3 Limitations](#)

[SUBPART 5316.4 — INCENTIVE CONTRACTS](#)

[5316.401 General](#)

[5316.404 Fixed-Price Contracts with Award Fees](#)

[5316.405-2 Cost-Plus-Award-Fee Contracts](#)

[SUBPART 5316.5 — INDEFINITE-DELIVERY CONTRACTS](#)

[5316.503 Requirements Contracts](#)

[5316.504 Indefinite-Quantity Contracts](#)

[5316.505 Ordering](#)

[5316.505-90 Decentralized Ordering](#)

[SUBPART 5316.6 — TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS](#)

[5316.601\(d\) Limitations](#)

[5316.603-2 Application](#)

[5316.603-3 Limitations](#)

See [AF PGI 5316.101](#).

5316.102 Policies

5316.103 Negotiating Contract Type

(d) See the tailorable [Determination and Findings](#) template.

5316.104 Factors in Selecting Contract Types

See [AF PGI 5316.104](#).

SUBPART 5316.203 — FIXED-PRICE CONTRACTS WITH ECONOMIC PRICE ADJUSTMENT

5316.203-4 Contract Clauses

See [AF PGI 5316.203-4](#).

SUBPART 5316.206 — FIXED-CEILING-PRICE CONTRACTS WITH RETROACTIVE PRICE REDETERMINATION

5316.206-3 Limitations

(d) Submit requests through the SCO to [SAF/AQC](#) for HCA approval (See [MP5301.601\(a\)\(i\)](#)).

SUBPART 5316.3 — COST-REIMBURSEMENT CONTRACTS

5316.301-3 Limitations

(2) See [MP5301.601\(a\)\(i\)](#).

SUBPART 5316.4 — INCENTIVE CONTRACTS

5316.401 General

(d)(i) See [MP5301.601\(a\)\(i\)](#). Forward a copy of the award fee D&F to SAF/AQC when the conditions at DFARS PGI 216.401(e)(iii) apply.

(d)(ii) See [MP5301.601\(a\)\(i\)](#). Forward a copy of the cost-reimbursement award fee D&F to SAF/AQC when the conditions at DFARS PGI 216.401(e)(iii) apply.

(e)(3)(i) See [MP5301.601\(a\)\(i\)](#).

See [AF PGI 5316.401-90](#).

See [SMC PGI 5316.401-90](#).

5316.404 Fixed-Price Contracts with Award Fees

See [5316.401\(e\)\(3\)\(i\)](#) above.

5316.405-2 Cost-Plus-Award-Fee Contracts

(1) *Award-fee pool*. Submit requests through the SCO to [SAF/AQC](#) for HCA approval (see [MP5301.601\(a\)\(i\)](#)).

See [SMC PGI 5316.405-2-90](#).

SUBPART 5316.5 — INDEFINITE-DELIVERY CONTRACTS

5316.503 Requirements Contracts

(b)(2) Determinations for requirements contracts in an amount estimated to exceed \$112M (including all options) must be approved in accordance with [5316.504\(c\)\(1\)\(ii\)\(D\)](#).

5316.504 Indefinite-Quantity Contracts

(a) Description.

(2) Upon execution of the contract, an obligation shall be recorded based upon the issuance of a delivery or task order for the cost/price of the minimum quantity specified. The Government's actual obligation must be recorded at the time of contract award. (See [DoD 7000.14-R](#), Volume 3, Chapter 8, paragraph 080604)

(c)(1)(ii)(D) *Limitation on single award contracts*.

(1) The SCO has the authority to make the written determination required by FAR 16.504(c)(1)(ii)(D)(1). Provide a copy of the written determination to [SAF/AQCP](#).

(c)(2)(i)(A) See MP5301.601-90.

(c)(2)(i)(B) See MP5301.601-90.

(c)(2)(ii) See MP5301.601-90.

5316.505 Ordering

(b) *Orders under multiple award contracts*.

(1) *Fair opportunity*.

(ii) The contracting officer must use streamlined ordering procedures. SCOs must justify the use of FAR Subpart 15.3 Source Selection Procedures for any contract or task/delivery order, regardless of dollar value made in accordance with FAR 16.505. The SCO must submit justifications to [SAF/AQC](#) before proceeding with the source selection and/or Clearance session.

(2) *Exceptions to the fair opportunity process*. See [5306.304\(a\)](#) for the approving officials for a proposed task or delivery order using the fair opportunity exceptions at FAR 16.505(b)(2). See the tailorable [Justification for an Exception to Fair Opportunity](#) template. For exceptions to fair opportunity that are intended for purposes of awarding a "Bridge Action" see 5306.303-90.

See [AF PGI 5316.505](#).

See [SMC PGI 5316.505](#).

(8) *Task-order and delivery-order ombudsman*. See [5301.91](#).

5316.505-90 Decentralized Ordering

For contracts that authorize decentralized ordering (i.e., ordering by a contracting office at any other location), the contracting officer with overall responsibility for the contract must:

(a) Ensure that adequate control procedures are in place before any orders are authorized; and

(b) Exercise oversight of decentralized ordering throughout the period of performance under the contract to ensure that the procedures are followed.

See [SMC PGI 5316.505-90](#).

See [AF PGI 5316.506](#).

SUBPART 5316.6 — TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS

5316.601(d) Limitations

(i)(A)(1) Base period plus any option periods is three years or less.

(i) For contracts (including indefinite-delivery contracts) and orders in which the portion of the requirement performed on a time-and-materials or labor-hour basis exceeds \$10 million, the approval authority for the determination and findings shall be the senior contracting official within the contracting activity. This authority may not be delegated.

(ii) For contracts (including indefinite-delivery contracts) and orders in which the portion of the requirement performed on a time-and-materials or labor-hour basis is less than or equal to \$10 million, the determination and findings shall be approved one level above the contracting officer.

(i)(A)(2) *Base period plus any option periods exceeds three years*. The SCO is authorized to approve individual determinations. In addition to the D&F requirements outlined in DFARS 216.601(d)(i)(B), the contracting officer shall address the plan to maintain appropriate government surveillance of contractor performance, including cost controls, and ensure that the contract clearly defines the supplies or services being acquired. The HCA retains the authority to approve class determinations when the contract length exceeds three years, regardless of dollar value. When HCA approval is required submit the D&F through the SCO to [SAF/AQC](#) for approval. See [MP5301.601\(a\)\(i\)](#).

(i)(A)(3) See [MP5301.601\(a\)\(i\)](#).

5316.603-2 Application

(c)(3) See [MP5301.601\(a\)\(i\)](#).

5316.603-3 Limitations

See [MP5301.601\(a\)\(i\)](#).